

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

AMYRIS, INC., *et al.*,

Debtors.¹

Chapter 11

Case No. 23-11131 (TMH)

(Joint Administration Requested)

Re Docket No. 934

**CERTIFICATION OF COUNSEL REGARDING FIFTH OMNIBUS
MOTION FOR THE ENTRY OF AN ORDER (A) AUTHORIZING
REJECTION OF EXECUTORY CONTRACTS EFFECTIVE AS OF THE
APPLICABLE REJECTION DATE; AND (B) GRANTING RELATED RELIEF**

The undersigned hereby certifies that:

1. On December 18, 2023, the above-captioned debtors and debtors-in-possession (collectively, the “Debtors”) filed the *Fifth Omnibus Motion for the Entry of an Order (A) Authorizing Rejection of Executory Contracts Effective as of the Applicable Rejection Date; and (B) Granting Related Relief* [Docket No. 934] (the “Motion”).

2. Pursuant to the *Notice of Fifth Omnibus Motion for the Entry of an Order (A) Authorizing Rejection of Executory Contracts Effective as of the Applicable Rejection Date; and (B) Granting Related Relief* [Docket No. 934-1], objections to entry of an order granting the Motion were due no later than January 2, 2024 at 4:00 p.m. Eastern Time (the “Objection Deadline”).

3. On January 2, 2024, Gingko Bioworks, Inc. (“Gingko”) filed *Gingko Bioworks, Inc.’s (I) Objection to the Fifth Omnibus Motion for the Entry of an Order (A) Authorizing Rejection of Executory Contracts Effective as of the Applicable Rejection Date and (B) Granting*

¹ A complete list of each of the Debtors in these Chapter 11 Cases may be obtained on the website of the Debtors’ claims and noticing agent at <https://cases.stretto.com/Amyris>. The location of Debtor Amyris Inc. principal place of business and the Debtors’ service address in these Chapter 11 Cases is 5885 Hollis Street, Suite 100, Emeryville, CA 94608.

Related Relief; and (II) Notice of Conditional Election Pursuant to Section 365(n) of the Bankruptcy Code [Docket No. 1050] (the “Objection”).

4. No other party filed an answer, objection, or other responsive pleading to the Motion on the Court’s docket.

5. Attached hereto as **Exhibit A** is a revised proposed form of order approving the Motion (the “Proposed Order”) which removes the listed agreement (the “Agreement”) between the Debtors and Gingko from the list of rejected Contracts. The Debtors and Gingko will continue to discuss the Motion with respect to the Agreement and will seek a continuance of the Motion solely with respect thereto. Accordingly, Gingko does not oppose entry of the Proposed Order.

6. A blacklined copy of the Proposed Order is attached hereto as **Exhibit B**, showing changes from the Order submitted with the Motion.

7. Accordingly, the Debtors request that the Proposed Order attached hereto as **Exhibit A** be entered at the Court’s earliest convenience.

Dated: January 3, 2024

PACHULSKI STANG ZIEHL & JONES LLP

/s/ Steven W. Golden

Richard M. Pachulski (*pro hac vice* forthcoming)

Debra I. Grassgreen (*pro hac vice* forthcoming)

James E. O’Neill (DE Bar No. 4042)

Jason H. Rosell (*pro hac vice* forthcoming)

Steven W. Golden (DE Bar No. 6807)

919 N. Market Street, 17th Floor

P.O. Box 8705

Wilmington, DE 19899-8705 (Courier 19801)

Telephone: (302) 652-4100

Facsimile: (302) 652-4400

Email: rpachulski@pszjlaw.com

dgrassgreen@pszjlaw.com

joneill@pszjlaw.com

jrosell@pszjlaw.com

sgolden@pszjlaw.com

Counsel to the Debtors and Debtors in Possession